

1 SEMENZA RICKARD LAW
2 Jarrod L. Rickard, Esq., Bar No. 10203
3 10161 Park Run Drive, Ste. 150
4 Las Vegas, Nevada 89145
5 Telephone: 702-835-6803
6 Email: jlr@semenzarickard.com

5 JOHN W. MUIJE & ASSOCIATES
6 John W. Muije, Esq., Bar No. 2419
7 3216 Lone Canyon Court
8 North Las Vegas, NV 89031
9 Telephone: 702-386-7002
10 Email: jmuije@muijelawoffice.com

9 THE LAW OFFICES OF CHARLES R. ZEH, ESQ.
10 Charles R. Zeh, Esq., Bar No. 1739
11 50 West Liberty St., Suite 950
12 Reno, NV 89501
13 Telephone: 775-323-5700
14 Email: crzeh@aol.com

15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 DAVIS GONZALES individually and on
19 behalf of THE TE-MOAK TRIBE OF
20 WESTERN SHOSHONE INDIANS OF
NEVADA as Tribal Council Chairman; THE
HOUSING AUTHORITY OF THE TE-
MOAK TRIBE OF WESTERN
SHOSHONE INDIANS,

21 v. Plaintiffs,

22 v.
23 UNITED STATES DEPARTMENT OF
24 THE INTERIOR; BRYAN NEWLAND, as
Assistant Secretary – Indian Affairs;
25 STEVEN MCDADE,

26 Defendants.

27 Case No. 2:24-cv-01629-GMN-DJA

28 **PLAINTIFFS' PARTIALLY
UNOPPOSED MOTION TO CONTINUE
DEADLINE TO FILE MOTION
CHALLENGING SCOPE OF
ADMINISTRATIVE RECORD**

**(Seeks Modification of ECF No. 81)
(First Request)**

1 Plaintiffs Davis Gonzales individually and on behalf of the TeMoak Tribe of Western
2 Shoshone Indians of Nevada as Tribal Council Chairman; and the TeMoak Tribe of Western
3 Shoshone Indians (collectively, “Plaintiffs”), by and through their undersigned counsel of record,
4 hereby seek an order modifying the Court’s Scheduling Order (ECF No. 81) to continue the July
5 14, 2025, deadline for any motion challenging the scope of the administrative record by two
6 weeks. If granted, the new deadline would be **July 28, 2025**. Additionally, Plaintiffs seek a
7 corresponding extension the deadline for the Federal Defendants to file their Response to any
8 such motion to **August 14, 2025**, and the deadline for any Reply to **August 21, 2025**.

9 Federal Defendants have confirmed that they have no opposition to this request provided
10 that the Response deadline is moved to August 14, 2025, and that that in the event Plaintiffs do
11 not file a motion challenging the scope of the administrative record by July 28, 2025, the
12 remainder of the schedule (Section C of the Scheduling Order) will remain in place. Plaintiffs
13 have consented to these conditions.

14 Defendant Steven McDade has stated that he objects to the request on the grounds that it
15 will delay these proceedings.

16 **I. BACKGROUND**

17 As set forth in the Stipulated Discovery Plan and Scheduling Order (ECF No. 80), this is
18 a case seeking judicial review under the Administrative Procedure Act (“APA”) as well as
19 declaratory relief. The original Plaintiff Joseph Holley, individually and purportedly on behalf
20 of the Te Moak Tribe of Western Shoshone Indians (“the Tribe”), filed the original complaint on
21 September 4, 2024. (ECF No. 1.)

22 Plaintiffs filed an Amended Complaint on January 6, 2025. (ECF No. 59.) In the
23 Amended Complaint, Plaintiffs seek this Court’s review under the APA and reversal of the
24 Assistant Secretary-Indian Affairs’ (“ASIA”) decision issued on November 27, 2024, which
25 resolved consolidated appeals from decisions issued by the Regional Director of the Western
26 Region for the BIA (“Regional Director”) and the Director of the BIA (“Director”). Plaintiffs
27 challenge the ASIA’s decision recognizing the interim Tribal leadership to conduct the 2024
28 Tribal elections and determining those elections (which had occurred on October 12, 2024)

1 mooted the appeals. They also challenge the ASIA’s decision affirming the finding that the
2 Tribe lacked a valid Tribal Court thereby necessitating a transfer of judicial jurisdiction from the
3 Tribal Court to the Court of Indian Offenses (also known as the “CFR Court”). On April 7,
4 2025, Federal Defendants, United States Department of the Interior (“Interior”) and Bureau of
5 Indian Affairs (“BIA”) (collectively, “Federal Defendants”), answered the Amended Complaint.
6 (ECF No. 76).

7 Pursuant to the Stipulated Discovery Plan and Scheduling Order, the Parties agreed that
8 summary judgment merits briefing should follow an initial period in which Federal Defendants
9 provide their administrative record and allow Plaintiffs a period in which to file motions
10 regarding supplementation of the record, whether the Court should consider extra-record
11 evidence, or whether the Court should allow discovery.

12 **II. GOOD CAUSE SUPPORTS GRANTING THE EXTENSION**

13 On June 2, 2025, the Federal Defendants provided a link to the administrative record and
14 filed a Notice of Service with the Court. (ECF No. 82.) Since receiving the administrative
15 record, Plaintiffs have diligently sought to make their way through it. However, the record is
16 very large, consisting of over two hundred documents and three thousand pages of documents.
17 Given the size, Plaintiffs have yet to review the entire record, despite their efforts.

18 Adding to this delay, counsel for Plaintiffs are simultaneously prosecuting the election
19 challenge case expressly authorized by the ASIA’s decision in the CFR Court. On July 2, 2025,
20 the parties to that action began an evidentiary hearing regarding the petitioners’ request for a
21 preliminary injunction. While that hearing was originally scheduled to last only one day, it
22 continued for a second day on July 3, 2025, and is scheduled for a third day on July 11, 2025.
23 Because the undersigned counsel for Plaintiffs has been occupied with this hearing, completing
24 the review of the administrative record in this action has been delayed.

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1 **III. REVISED SCHEDULE**

2 Based on the foregoing, Plaintiffs respectfully request a brief two-week extension of the
3 deadline to file a motion challenging the scope of the administrative record. If granted, the
4 schedule would be revised as follows:

5 **A. Time for Serving Certified Record.**

6 Completed and closed.

7 **B. Schedule for Briefing on the Scope of the Record.**

8 In the event Plaintiffs file a motion challenging the scope of the administrative record,
9 seeking for the Court to consider extra-record evidence, or seeking discovery:

10 (1) Such motion shall be filed by ~~July 14, 2025~~ July 28, 2025. The filing of any such
11 motion shall have the effect of vacating the summary judgment briefing schedule set forth below
12 and the parties will propose a new schedule within fourteen days of the Court's ruling on the
13 record/discovery motion.

14 (2) Federal Defendants shall file a response to any record/discovery motion by ~~July~~
15 ~~28, 2025~~ August 14, 2025.

16 (3) Any reply in support of a record/discovery motion shall be filed by ~~August 4,~~
17 ~~2025~~ August 21, 2025.

18 **C. Schedule for Merits Briefing Absent Motion(s) Challenging the Record.**

19 In the event Plaintiffs do not file a motion challenging the scope of the administrative
20 record, seeking for the Court to consider extra-record evidence or seeking discovery:

21 (1) Plaintiffs shall file their combined motion for summary judgment by ~~July 30,~~
22 ~~2025~~.

23 (2) Federal Defendants and Defendant McDade shall each file their respective
24 consolidated cross-motion for summary judgment and response to Plaintiffs' combined motion
25 for summary judgment by ~~August 29, 2025~~. The parties agree to an expanded page limit of 45
26 pages due to the consolidated briefing.

1 (3) Plaintiffs shall file a consolidated response and reply to each respective
 2 consolidated cross-motion for summary judgment by **September 29, 2025**. The parties agree to
 3 an expanded page limit of 45 pages due to the consolidated briefing.

4 (4) Federal Defendants and Defendant McDade shall each file their respective reply
 5 in support of their cross-motion for summary judgment by **October 14, 2025**.

6 Dated this 8th day of July, 2025.

7 SEMENTZA RICKARD LAW

8 */s/ Jarrod L. Rickard, Esq.*

9 Jarrod L. Rickard, Esq., Bar No. 10203
 10 Katie L. Cannata, Esq., Bar No. 14848
 11 10161 Park Run Drive, Ste. 150
 12 Las Vegas, Nevada 89145

13 JOHN W. MUIJE & ASSOCIATES
 14 John W. Muije, Esq., Bar No. 2419
 15 3216 Lone Canyon Court
 16 N. Las Vegas, NV 89031

17 THE LAW OFFICES OF CHARLES R. ZEH, ESQ.
 18 Charles R. Zeh, Esq., Bar No. 1739
 19 50 West Liberty St., Suite 950
 20 Reno, NV 89501

21 *Attorneys for Plaintiffs*

22 **ORDER**

23 Although Defendant Steven McDade opposes the brief extension Plaintiffs request, having
 24 reviewed Plaintiffs' motion, the Court finds that they have shown good cause for the
 25 extensions they seek. *See* Fed. R. Civ. P. 6(b); *see* Fed. R. Civ. P. 16(b); *see* LR 26-3; *see*
 26 LR IA 6-1(a). So, the Court GRANTS Plaintiffs' motion (ECF No. 83).

27 
 28 DANIEL J. ALBREGTS
 29 UNITED STATES MAGISTRATE JUDGE

30 DATED: July 10, 2025

CERTIFICATE OF SERVICE

I am employed by the law firm of Semenza Rickard Law in Clark County, Nevada. I am over the age of 18 and not a party to this action. The business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

On the 8th day of July, 2025, I served the document(s), described as:

**PLAINTIFFS' PARTIALLY UNOPPOSED MOTION TO CONTINUE DEADLINE TO
FILE MOTION CHALLENGING SCOPE OF ADMINISTRATIVE RECORD**
(Seeks Modification of ECF No. 81)
(First Request)

- by sending an original a true and correct copy as follows:
 - a. via **CM/ECF System** (*You must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary*)

UNITED STATES DEPARTMENT OF JUSTICE

Michelle Ramus, Michelle.Ramus@usdoj.gov, efile nrs.enrd@usdoj.gov

Amber Dutton-Bynum, amber.dutton-bynum@usdoj.gov, efile nrs.enrd@usdoj.gov

Karissa Dawn Neff, Karissa.Neff@usdoj.gov, Courtney.Bivens@usdoj.gov,

Dionne.White@usdoj.gov, Liam.Pisan@usdoj.gov, maria.covarrubias@usdoj.gov,
Vera.Minkova@usdoj.gov

Attorneys for Federal Defendants

Steven Joseph McDade, smcdadetrking@yahoo.com

Intervenor

- b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Semenza Rickard Law's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

c. BY PERSONAL SERVICE.

d. BY DIRECT EMAIL

e BY FACSIMILE TRANSMISSION

I declare under penalty of perjury that the foregoing is true and correct.

/s/ *Olivia A. Kelly*

An Employee of Semenza Rickard Law